

Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

GEORGE S. ANDERSON, single man,

Plaintiff,

v.

PARAGON WAY, INC., a Texas
Corporation, and COLLINS RECEIVABLES,
LLC, a Texas Corporation,

Defendants.

No. C08-5527-RJB

**[PROPOSED] ORDER GRANTING
PARTIAL SUMMARY JUDGMENT
TO PLAINTIFF.**

COMES NOW THE ABOVE ENTITLED COURT and finds that:

1. Plaintiff George Anderson is a consumer as defined by the FDCPA.
2. Paragon Way and Collins are debt collectors who regularly collect debts under the definition of debt collector in the FDCPA and under case law.

**[PROPOSED] ORDER FOR PARTIAL SUMMARY
JUDGMENT**

Page 1 of 3

**WENGER & ASSOCIATES, P.S.
107 N. Tower, #11, Centralia, WA 98531
Phone: 360-623-1060 Fax: 360-623-1059**

1 3. Paragon Way and Collins caused to be prepared under its name a dunning letter to collect
2 a debt for a payday loan made to the Plaintiff by Checkmate.

3 4. Paragon Way and Collins caused to be prepared under its name a dunning letter to collect
4 a debt for a payday loan made to the Plaintiff by Check Into Cash.

5 5. Defendants authorized its agents or employees to contact the Plaintiff via telephone and
6 did contact the Plaintiff via telephone in an attempt to collect the aforementioned debts.

7 6. Defendants caused Plaintiff to make a second payment to them for the Checkmate debt.

8 7. Defendants were not entitled to collect the Checkmate debt after it had first been paid in
9 full.

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11 NOW THEREFORE, based upon these findings of fact, this Court concludes that:

12 8. The defendants violated the FDCPA by (1) misrepresenting the right to collect and
13 attempting to collect amounts not due to the Defendants for debts Plaintiff previously
14 paid in full, (2) then by collecting amounts not lawfully due, and (3) then again by
15 repeating the misrepresentation and collection efforts on settled accounts.

16 9. That the defendant attorney is a debt collector under the FDCPA and that any attempt to
17 collect a debt from the plaintiff will constitute a further violation.

18 10. That the plaintiff has met the burden to support a summary judgment for liability by the
19 defendant for violation of the FDCPA, and that the defendant has violated the FDCPA.

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21 NOW THEREFORE, based upon the above findings of fact and conclusions of law, it is
22 hereby ordered that:

1 11. Summary judgment as to violation of the FDCPA by the defendant is granted, and that
2 statutory damages of \$1,000 from each defendant, totaling \$2,000 , are awarded to the
3 plaintiff.

4 12. That attorneys' fees under the FDCPA be awarded to the plaintiff in an amount to be
5 determined later by this Court.

6 13. That the issue of damages to the plaintiff beyond statutory damages of \$2,000 be set for
7 trial by jury.
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10 IT IS SO ORDERED.

11 Dated _____
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HON. ROBERT J. BRYAN
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